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Fiscal Note

Drafting Number: LLS 23-0738 Date: February 6, 2023
Prime Sponsors: Rep. Winter T. Bill Status: House Energy & Environment
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Bill Topic: CUSTOMER'S RIGHT TO USE ENERGY

Summary of Fiscal Impact:
State Revenue [] TABOR Refund []
State Expenditure [x] Local Government [x]
State Transfer [] Statutory Public Entity []

The bill prohibits state and local governments from prohibiting the use of certain energy sources. It may increase state and local government workload in FY 2023-24.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill prohibits the state, local governments, and homeowner's associations from enacting or enforcing any regulation that prohibits the following energy sources:

- natural gas;
propane;
solar photovoltaics;
micro wind turbines; or
micro hydroelectricity.

State Expenditures

Currently, there is not any specific state regulation prohibiting the use of energy sources covered by the bill. To the extent the bill prevents future rules from being adopted, agencies implementing the state's greenhouse gas emissions reduction plan will have additional workload and legal service costs to devise alternate strategies or to address any issues related to compliance with the reduction targets set in state law. No change in appropriations is required.

Local Government

Workload will increase for any local government that has enacted restrictions on covered energy sources to update ordinances or permitting processes to comply with the bill. Similar to the state, the bill will prevent local governments from enacting future restrictions on these sources of energy, which may result in additional workload to consider alternate policy choices for some local governments.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Information Technology
Public Health and Environment

Law
Regulatory Agencies

Local Affairs